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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

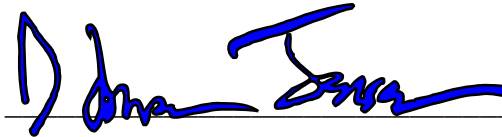
UNITED STATES OF AMERICA,	)	Case No.: CR 08-00540 DLJ
	)	
Plaintiff,	)	<b>ORDER RE: EXCLUSION OF TIME UNDER</b>
	)	<b>THE SPEEDY TRIAL ACT [18 U.S.C.</b>
vs.	)	<b>§3161]</b>
	)	
JAMES SELZER,	)	
	)	
Defendant	)	
	)	

FOR THE REASONS SET FORTH ABOVE IN THE STIPULATION BETWEEN THE PARTIES, IT IS HEREBY ORDERED that the time from May 1, 2009 to May 29, 2009 is hereby excluded from the time calculations of the Speedy Trial Act, 18 U.S.C. §3161. The court finds the time from May 1, 2009 to May 29, 2009 excludable from the Speedy Trial Act requirements of Title 18, United States Code, sections 3161(h)(7)(A) and 3161(h)(7)(B)(iv). The court finds that the time excludable in that the ends of justice served by granting this continuance of the status conference to May 29, 2009 outweigh the best interests of the public and the defendant in an earlier trial for the following reasons: defense counsel is currently engaged in a homicide trial in the Superior Court of Alameda County and is unable to appear. In addition, the Assistant United States Attorney recently submitted a Proposed

1 Plea Agreement for defense counsel to review with defendant. For  
2 these reasons, the court finds that a continuance of the status  
3 conference to May 29, 2009 is necessary to ensure both effective case  
4 preparation and the availability of defense counsel, and denial of  
5 such a continuance would unreasonably deny defendant effective case  
6 preparation and continuity of counsel pursuant to 18 U.S.C.  
7 §§3161(h)(7)(A) and 3161(h)(7)(B)(iv).

8 Hearing set May 29, 2009 at 9:00 AM.

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10 DATE: April 30, 2009



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12 D. Lowell Jensen  
13 United States District Court Judge  
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